

103D CONGRESS
1ST SESSION

S. 1504

To amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program (EETAP), and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 27), 1993

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program (EETAP), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Em-
5 ployment Transition Assistance Act of 1993”.

1 **SEC. 2. ENVIRONMENTAL EMPLOYMENT TRANSITION AS-**
2 **SISTANCE.**

3 (a) AMENDMENT.—Part B of title III of the Job
4 Training Partnership Act (29 U.S.C. 1662 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 327. ENVIRONMENTAL EMPLOYMENT TRANSITION AS-**
7 **SISTANCE.**

8 “(a) DEFINITIONS.—As used in this section:

9 “(1) ADVERSELY AFFECTED EMPLOYMENT.—
10 The term ‘adversely affected employment’ means
11 work in an industry, occupation or establishment
12 which—

13 “(A) has sustained or is projected to sus-
14 tain substantial economic harm;

15 “(B) has experienced, is experiencing, or
16 will experience interruptions in the supply of
17 raw materials or goods used in manufacturing;
18 or

19 “(C) will gradually decline or down-size or
20 experience an acceleration of decline,

21 as a direct or indirect result of the listing of any
22 species as ‘threatened’ or ‘endangered’ under the
23 Endangered Species Act of 1973 (16 U.S.C. 1531 et
24 seq.), or of the implementation of the National For-
25 est Management Act of 1976 (90 Stat. 2949), the
26 Federal Land Policy and Management Act of 1976

1 (43 U.S.C. 1701 et seq.), the Migratory Bird Treaty
2 Act (16 U.S.C. 703 et seq.), the Federal Water Pol-
3 lution Control Act (33 U.S.C. 1251 et seq.), the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.), the Forest and Rangeland Renewable
6 Resource Planning Act of 1974 (16 U.S.C. 1601 et
7 seq.), or the Multiple-Use Sustained-Yield Act of
8 1960 (16 U.S.C. 528 et seq.).

9 “(2) ADVERSELY AFFECTED WORKER.—The
10 term ‘adversely affected worker’ means an individual
11 who—

12 “(A) is an eligible dislocated worker; and

13 “(B)(i) has been totally, partially or tem-
14 porarily separated from work that is considered
15 as adversely affected employment within the 3-
16 year period beginning on the date of enactment
17 of this section; or

18 “(ii) has received a notice of termination
19 or layoff from such work.

20 “(3) AFFECTED STATE.—The term ‘affected
21 State’ means any of the several States of the United
22 States and the District of Columbia in which there
23 is adversely affected employment.

24 “(b) DETERMINATION OF ELIGIBILITY.—

1 “(1) IN GENERAL.—To be eligible for assist-
2 ance under this section, an individual shall be deter-
3 mined to be an adversely affected worker as defined
4 under paragraph (2) of subsection (a).

5 “(2) SPECIAL RULE.—The Secretary of Labor,
6 pursuant to criteria established by the Secretary, in
7 consultation with the Administrator of the Environ-
8 mental Protection Agency, the Secretary of the
9 Army, the Secretary of Commerce, the Secretary of
10 the Interior, the Secretary of Agriculture, and the
11 Secretary of Energy shall make the eligibility deter-
12 mination of whether an individual meets the defini-
13 tional requirement under subsection (a)(2)(B).

14 “(3) CERTIFICATION.—The Secretary of Labor,
15 in consultation with the Administrator of the Envi-
16 ronmental Protection Agency, the Secretary of the
17 Army, the Secretary of Commerce, the Secretary of
18 the Interior, the Secretary of Agriculture, the Sec-
19 retary of Energy, and the Governor of an affected
20 State, shall certify an industry, occupation or estab-
21 lishment based on the listing, or the implementation
22 of any of the Acts, described in subsection (a)(1) as
23 one in which there is adversely affected employment.

24 “(4) CONCLUSIVE PRESUMPTION.—

1 “(A) IN GENERAL.—The total, partial, or
2 temporary layoff, or the notification of termi-
3 nation or layoff, of an adversely affected worker
4 during a period of 5 years following the listing
5 of the species, or the implementation of the
6 Acts, on which certification of an industry, oc-
7 cupation, or establishment is based under para-
8 graph (3) shall be conclusively presumed to be
9 attributable to compliance with the Endangered
10 Species Act of 1973 (16 U.S.C. 1531 et seq.),
11 the National Forest Management Act of 1976
12 (90 Stat. 2949), the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1701 et
14 seq.), the Migratory Bird Treaty Act (16
15 U.S.C. 703 et seq.), the Federal Water Pollu-
16 tion Control Act (33 U.S.C. 1251 et seq.), the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.), the Forest and Rangeland
19 Renewable Resource Planning Act of 1974 (16
20 U.S.C. 1601 et seq.), or the Multiple-Use Sus-
21 tained-Yield Act of 1960 (16 U.S.C. 528 et
22 seq.).

23 “(B) EXCEPTION.—No conclusive pre-
24 sumption exists under subparagraph (A) if an
25 adversely affected worker has voluntarily quit,

1 been laid off, or terminated from a job for a
2 cause that would disqualify such worker for un-
3 employment compensation under the State law.

4 “(c) GRANTS AUTHORIZED.—The Secretary may
5 award grants to States, substate grantees (as described
6 in section 312(c)), employers, employer associations, and
7 labor organizations—

8 “(1) to provide training, adjustment assistance,
9 and employment services to adversely affected work-
10 ers; and

11 “(2) to make needs-related payments to such
12 workers in accordance with subsection (h).

13 “(d) GRANT AMOUNT.—

14 “(1) IN GENERAL.—The amount of a grant
15 awarded under this section shall be based on a per-
16 centage developed by the Secretary through consid-
17 eration of the ratio of—

18 “(A) the per capita incidence of adversely
19 affected workers in each State; to

20 “(B) the per capita incidence of adversely
21 affected workers in all States.

22 “(2) RURAL AREAS.—The Secretary shall not
23 award a grant under subsection (c) unless the appli-
24 cant provides assurances that the applicant will use
25 a portion of the amount awarded under the grant to

1 provide training, adjustment assistance, employment
2 services and needs-related payments to adversely af-
3 fected workers in rural areas.

4 “(e) PRIORITY AND APPROVAL.—

5 “(1) APPLICATION.—

6 “(A) IN GENERAL.—To be eligible to re-
7 ceive a grant under subsection (c), a State, sub-
8 state grantee, employer, employer association,
9 or labor organization shall submit an applica-
10 tion to the Secretary at such time, in such man-
11 ner, and containing such assurances as the Sec-
12 retary may require.

13 “(B) REVIEW PRIOR TO SUBMISSION.—

14 Prior to the submission of an application under
15 subparagraph (A), an applicant shall—

16 “(i) submit the application for review
17 and comment to the private industry coun-
18 cil and the State; and

19 “(ii) offer local labor organizations
20 the opportunity to provide comments on
21 the application.

22 “(C) DOCUMENTATION.—An applicant
23 that submits an application under subpara-
24 graph (B) shall maintain all documentation re-
25 lating to consultations with the entities de-

1 scribed in clauses (i) and (ii) of such subpara-
2 graph.

3 “(2) NEEDS-RELATED PAYMENTS REQUIRED.—

4 The Secretary shall not approve an application for
5 a grant under subsection (c) unless the application
6 contains assurances that the applicant will use
7 amounts provided under the grant to provide needs-
8 related payments in accordance with subsection (h).

9 “(f) USE OF FUNDS.—Subject to the requirements
10 of subsections (g) and (h), grants under subsection (c)
11 may be used for any purpose for which funds may be used
12 under section 314.

13 “(g) ADJUSTMENT ASSISTANCE.—

14 “(1) JOB SEARCH ALLOWANCE.—Grants under
15 subsection (c) for adjustment assistance may be
16 used to provide a job search allowance to an ad-
17 versely affected worker. Such allowance, if provided,
18 shall provide reimbursement to such worker in an
19 amount that does not exceed 90 percent of the cost
20 to such worker for necessary job search expenses, as
21 prescribed by regulations of the Secretary, or \$800
22 whichever is less, unless the need for a greater
23 amount is demonstrated in the application and ap-
24 proved by the Secretary.

1 “(2) CRITERIA FOR AWARDING JOB SEARCH AL-
2 LOWANCES.—A job search allowance may be pro-
3 vided only—

4 “(A) to assist an adversely affected worker
5 who has been totally separated in securing a job
6 within the United States; and

7 “(B) if the Secretary determines that the
8 adversely affected worker cannot reasonably be
9 expected to secure suitable employment in the
10 commuting area in which such worker resides.

11 “(h) NEEDS-RELATED PAYMENTS.—The Secretary
12 shall prescribe regulations with respect to the use of
13 amounts awarded under a grant under subsection (c) for
14 needs-related payments in order to enable adversely af-
15 fected workers to complete training or education programs
16 under this section. Such regulations shall—

17 “(1) require that needs-related payments shall
18 be provided to an adversely affected worker only if
19 such worker—

20 “(A)(i) qualifies for emergency or extended
21 unemployment benefits; or

22 “(ii) does not qualify or has ceased to
23 qualify for unemployment compensation;

24 “(B) is participating in training or edu-
25 cation programs under this section, except that

1 the regulations shall protect an adversely af-
2 fected worker from being disqualified pursuant
3 to this subparagraph for a failure to participate
4 that is not the fault of such worker; and

5 “(C) receives, or is a member of a family
6 that receives, a total family income (exclusive of
7 unemployment compensation, child support pay-
8 ments, and welfare payments) that, in relation
9 to family size, is not in excess of the lower liv-
10 ing standard income level;

11 “(2) provide that an adversely affected worker
12 may not be disqualified from receipt of needs-related
13 payments if such worker terminates temporary or
14 part-time employment to participate in a training or
15 education program under this section;

16 “(3) provide that not later than 30 days after
17 enrollment in a training program, an adversely af-
18 fected worker shall receive needs-related payments if
19 such worker—

20 “(A) does not qualify or has ceased to
21 qualify for unemployment compensation; and

22 “(B) has enrolled in a training program
23 under this section;

24 “(4) provide for procedures for waiving maxi-
25 mum benefits requirements;

1 “(5) provide for procedures for allowing the
2 payment of needs-related payments based on special
3 needs which shall be determined on appeal by the
4 Secretary;

5 “(6) provide that the levels of needs-related
6 payments to an adversely affected worker who does
7 not qualify or has ceased to qualify for unemploy-
8 ment compensation shall be equal to the higher of—

9 “(A) the applicable level of unemployment
10 compensation; or

11 “(B) the official poverty line (as defined by
12 the Office of Management and Budget, and re-
13 vised annually by the Secretary in accordance
14 with section 673(2) of the Community Services
15 Block Grant Act (42 U.S.C. 9902(2));

16 “(7) provide that the amount of needs-related
17 payments to an adversely affected worker who quali-
18 fies for emergency or extended unemployment bene-
19 fits shall be equal to the difference between the
20 amount of such worker’s compensation and the
21 amount of such worker’s unemployment benefits;

22 “(8) provide for the adjustment of payments to
23 reflect changes in total family income; and

1 “(9) provide that the grantee shall obtain infor-
2 mation with respect to such income, and changes
3 therein, from the adversely affected worker.

4 “(i) COUNSELING AND REFERRALS.—Not later than
5 45 days after an adversely affected worker qualifies for
6 unemployment benefits, a grantee under this section shall
7 provide employment counseling and referral to training
8 programs, if needed, to such worker.

9 “(j) ADMINISTRATIVE EXPENSES.—

10 “(1) IN GENERAL.—The Secretary of Labor
11 may reserve not more than 5 percent of the awards
12 appropriated under this section for the administra-
13 tion of activities authorized under this section, in-
14 cluding the provision of technical assistance for the
15 preparation of grant applications.

16 “(2) PRIORITY.—In the provision of technical
17 assistance for preparation of grant applications
18 under paragraph (1), the Secretary of Labor shall
19 give priority to nongovernmental, and nonprofit or-
20 ganizations.

21 “(k) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—In addition to amounts au-
23 thorized to be appropriated by section 3(b), as
24 amended by section 102(a) of the Job Training Re-
25 form Amendments (Public Law 102–367), there are

1 authorized to be appropriated \$100,000,000 for fis-
2 cal year 1994, and such sums as may be necessary
3 for each of fiscal years 1995, 1996, 1997, and 1998,
4 to carry out this section. The total amount appro-
5 priated for all 5 such fiscal years shall not exceed
6 \$500,000,000.

7 “(2) AVAILABILITY.—Amounts appropriated
8 pursuant to this subsection shall remain available
9 until expended.

10 “(l) REGULATIONS.—Not later than 180 days after
11 the date of enactment of this section, the Secretary shall
12 prescribe regulations to carry out this section.

13 “(m) GENERAL ACCOUNTING OFFICE ASSESSMENT
14 OF EFFECTS ON EMPLOYMENT OF COMPLIANCE WITH
15 ENVIRONMENTAL POLICIES.—The Comptroller General of
16 the United States shall—

17 “(1) identify and assess, to the extent possible,
18 the effects on employment that are attributable to
19 compliance with the provisions of the Endangered
20 Species Act of 1973 (16 U.S.C. 1531 et seq.), the
21 National Forest Management Act of 1976 (90 Stat.
22 2949), the Federal Land Policy and Management
23 Act of 1976 (43 U.S.C. 1701 et seq.), the Migratory
24 Bird Treaty Act (16 U.S.C. 703 et seq.), the Fed-
25 eral Water Pollution Control Act (33 U.S.C. 1251 et

1 seq.), the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.), the Forest and
3 Rangeland Renewable Resource Planning Act of
4 1974 (16 U.S.C. 1601 et seq.), or the Multiple-Use
5 Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.);
6 and

7 “(2) submit to the Congress on the date that is
8 4 years after the date of the enactment of this sec-
9 tion a written report on the assessments required
10 under paragraph (1).”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) The table of contents of the Job Training
13 Partnership Act is amended by adding at the end of
14 the items pertaining to part B of title III the follow-
15 ing:

“Sec. 327. Environmental employment transition assistance.”.

16 (2) Section 3(b) of the Job Training Partner-
17 ship Act (29 U.S.C. 1502(c)), as amended by section
18 102(a) of the Job Training Reform Amendments
19 (Public Law 102–367), is amended by striking “sec-
20 tion 326” and inserting “sections 326 and 327”.

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